

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA


United States of America,)	CR 03-2509-TUC-CKJ
Plaintiff,)	ORDER
vs.)	
Fernando Villa-Alvarez,)	
Defendant.)	

Pending before the Court is Defendant's Motion to Correct Judgment for Clerical Error. In December of 2003, pursuant to a plea agreement, Defendant plead guilty to conspiracy to transport undocumented aliens and placing those aliens in jeopardy of their lives. On February 24, 2004, judgment was entered against Defendant whereby he was sentenced to 15 months imprisonment for "Conspiracy to Transport Illegal Aliens for the Purpose of Commercial Advantage and Private Financial Gain." However, as Defendant correctly argues, Defendant never admitted to committing the offense in question for commercial advantage or private financial gain pursuant to the plea agreement; further, Defendant never made any such admission at the change of plea hearing. The Government has taken no position as to Defendant's Motion to Correct Judgment for Clerical Error.

As such, in light of this clerical error, IT IS HEREBY ORDERED that the Judgment is corrected, *nunc pro tunc*, to exclude the portion of the Judgment that refers to the offense as "Conspiracy to Transport Illegal Aliens for the Purpose of Commercial Advantage and

1 Private Financial Gain." *See* FED.R.CRIM.P. 36 (allowing clerical errors to be corrected at
2 anytime). Rather, the Judgment shall state the offense as "Conspiracy to Transport Illegal
3 Aliens and Placing in Jeopardy the Lives of Said Illegal Aliens." *See id.* The Clerk of the
4 Court shall enter an amended judgment reflecting these corrections.

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7 DATED this 11th day of April, 2006.

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12 Cindy K. Jorgenson
13 United States District Judge
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